

## REMARKS

Claims 1-20 are currently pending. Claim 21 has been cancelled.

The Examiner has identified in the application the following patentably distinct inventions:

- I. Claims 1-14, drawn to a fuel tank and motorcycle, classified in class 280, subclass 833;
- II. Claims 15-20, drawn to a method of mounting a fuel tank to a motorcycle, classified in class 280, subclass 835; and
- III. Claim 21, drawn to a method of changing the aesthetic appearance of a motorcycle, classified in class 180, subclass 219.

The Examiner has required election of one of the inventions for prosecution. In response to the restriction requirement, Applicants elect to prosecute Group I (claims 1-14) with traverse, withdraws Group II (claims 15-20), cancels Group III (claim 21), and respectfully requests reconsideration of the restriction requirement with respect to Groups I and II.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is required. *See M.P.E.P. 803*. The Applicants respectfully assert that examination of the claims of Groups I and II can be made without serious burden on the Examiner.

Group I and Group II are related as product (Group I) and process of use (Group II). Applicants believe that the elements of the process of use will necessarily be searched during the prosecution of the Group I claims. Specifically, Applicants believe the Examiner will need to search the vehicle arts, including motorcycles, to find art related to a fuel tank and motorcycle. As such, there would be no additional burden on the Examiner to examine the method of attaching the fuel tank to a motorcycle.

The Examiner argues that the product (Group I) can be used in a materially different process of using the product, such as mounting to an all terrain vehicle. Thus, the Examiner will search vehicle arts other than the motorcycle art during the Examination of Group I. This search

will encompass the search that would be required for the Group II claims. Thus, Applicants respectfully submit that maintaining Groups I and II in the present application does not present a serious burden on the Examiner because the search for the invention of Group I will encompass the art units that relate to the invention of the claims of Group II.

### **CONCLUSION**

Applicants hereby request withdrawal of the restriction requirement. If the restriction is upheld, Applicants provisionally elect to prosecute, with traverse, the invention of Group I including claims 1-14.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T J Otterlee', with a stylized flourish at the end.

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